

REPORT OF THE COMMITTEE ON TRANSPORTATION

Voting Members

Joey Manahan, Chair; Ann H. Kobayashi, Vice-Chair,
Brandon J.C. Elefante, Ron Menor, Kymberly Marcos Pine

Committee Meeting Held
February 11, 2016

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Transportation, to which was referred
Resolution 16-16:

"URGING THE HAWAII STATE LEGISLATURE TO ENACT LEGISLATION THAT
WOULD AUTHORIZE THE COUNTIES TO REQUEST NATIONAL CRIMINAL
BACKGROUND CHECKS FROM THE FEDERAL BUREAU OF INVESTIGATION
(FBI) FOR TAXICAB DRIVERS AND APPLICANTS FOR TAXICAB DRIVERS'
CERTIFICATES,"

introduced on January 22, 2016, reports as follows:

The purpose of the Resolution is to urge the Hawaii State Legislature to enact
legislation authorizing the counties to request national criminal background checks from the
Federal Bureau of Investigation (FBI) for taxicab drivers and applicants for taxicab drivers'
certificates.

Committee Chair Manahan proposed amendments to the Resolution that would add
language that refers to access to the FBI's criminal database for drivers of privately-operated
public passenger vehicle services.

The Customer Services Department (CSD) Director Sherilyn Kajiwara and Licensing
Administrator Galen Onouye testified that under Hawaii Administrative Rules (HAR) section

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
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ADOPTED ON **FEB 17 2016**

COMMITTEE REPORT NO. **53**

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9-1-8(e), the Honolulu Police Department (HPD) is required to do background checks for taxicab drivers, and that HPD is able to reach into federal databases, whereas CSD is not. CSD is currently working with HPD to improve the process by, for example, proposing to require taxicab driver applicants to provide both their traffic abstract and their individual criminal background history that the applicant can obtain via the Criminal Justice Center.

A representative of Charley's Taxi testified in support of the Resolution and submitted written testimony.

Your Committee on Transportation is in accord with the intent and purpose of Resolution 16-16 as amended and recommends its adoption in the form attached hereto as Resolution 16-16, CD1. (Ayes: Elefante, Kobayashi, Menor, Pine, Manahan – 5; Noes – None.)

Respectfully submitted,



JOEY MANAHAN
Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON FEB 17 2016

COMMITTEE REPORT NO. 53



RESOLUTION

URGING THE HAWAII STATE LEGISLATURE TO ENACT LEGISLATION THAT WOULD AUTHORIZE THE COUNTIES TO REQUEST NATIONAL CRIMINAL BACKGROUND CHECKS FROM THE FEDERAL BUREAU OF INVESTIGATION FOR DRIVERS OF PRIVATELY-OPERATED PUBLIC PASSENGER VEHICLE SERVICES.

WHEREAS, privately-operated public passenger vehicle service provides vital transportation links to the state and its people; and

WHEREAS, Hawaii Revised Statutes, Section 46-16.5, authorizes the counties to protect the public health, safety, and welfare by licensing, controlling and regulating privately-operated public passenger vehicle services, including the picking up and discharging of passengers from various unrelated locations by taxicab; and

WHEREAS, the City and County of Honolulu has adopted ordinances and administrative rules addressing the supervision, regulation, and control of the transporting of passengers or property for hire in a taxicab; and

WHEREAS, such measures include provisions relating to criminal background checks for applicants for taxicab drivers' certificates from the Honolulu Police Department records division that are considered in determining whether an applicant may pose a danger to the health, safety, or welfare of the traveling public; and

WHEREAS, it is unclear, however, whether the City has the authority to access the database of the Federal Bureau of Investigation ("FBI") in order to conduct nationwide criminal background checks on applicants for taxicab drivers' certificates; and

WHEREAS, accordingly, the City's ability to determine whether a taxicab driver certification applicant has been convicted of a crime in another state, territory, commonwealth, or other jurisdiction of the United States is limited; and

WHEREAS, the City is considering measures to address the supervision, regulation, and control of transportation network companies, which are a type of privately-operated public passenger vehicle service; and

WHEREAS, the City's Corporation Counsel has advised the Council that in order to access the FBI's database, an "umbrella" statute must be enacted by the state legislature to authorize the release of criminal history record information to the county agencies responsible for regulation of privately-operated public passenger vehicle services; and



RESOLUTION

WHEREAS, the enactment of such a statute would allow the counties to conduct national criminal background checks on drivers of privately-operated public passenger vehicle services, and increase the safety and security of Hawaii residents and visitors who utilize those services; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Hawaii State legislature is urged to enact legislation that would authorize the counties to request national criminal background checks from the Federal Bureau of Investigation for drivers of privately-operated public passenger vehicle services; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Governor of the State of Hawaii, the President and all members of the Senate of the Hawaii State Legislature, the Speaker and all members of the House of Representatives of the Hawaii State Legislature, the Mayor of the City and County of Honolulu, the Managing Director, and the Director of Customer Services.

INTRODUCED BY:

Ron Menor

DATE OF INTRODUCTION:

January 22, 2016
Honolulu, Hawaii

Councilmembers